

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Akseli Anttila *et al.*

Patent No.: 7,125,336

Issued: October 24, 2006

For: DISTRIBUTED GAME OVER A
WIRELESS
TELECOMMUNICATIONS
NETWORK

Atty. Docket No.: 004770.00030

Group Art Unit: 3713

Examiner: Nguyen, Kim T.

Confirmation No.: 6410

**REQUEST FOR RECONSIDERATION OF
APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705**

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On December 18, 2006, Patentee applied/petitioned under 35 U.S.C. § 154(b) and 37 C.F.R. § 1.705(b) for adjustment of the patent term indicated on the face of the above-identified patent ("Patent"). On November 14, 2008, the USPTO DISMISSED said petition.

The Patentee hereby requests reconsideration of the decision based on the recent case, *Wyeth et al. v. Jon. W. Dudas*, __ F.Supp.3d __ (D.D.C. Sep. 30, 2008), in which the *Wyeth* court held that the USPTO's calculation of "overlapping" periods under the two-prong determination of patent term adjustment was improper. The court further ordered the USPTO to act consistent with the opinion in that case. For the Office's convenience, Patentee is attaching a copy of 1) the *Wyeth* opinion; and 2) the *Wyeth* order.

Based on the proper interpretation of overlap between the 14/4/4 PTA adjustment and the 3-year pendency adjustment as articulated by the *Wyeth* court, Patentee is entitled to an additional 346 days, for a total of 1,021 days, in this case, for the reasons articulated in Patentee's original request. The Office is authorized to charge any requisite fee for this paper to our Deposit Account No. 19-0733.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Date: December 5, 2008

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